

United States District Judge Ronald B. Leighton

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
TACOMA DIVISION

KIMBRA LEVINGSTON, )  
Plaintiff, ) CIVIL NO. 3:19-cv-05158-RBL  
vs. ) ORDER  
COMMISSIONER OF SOCIAL SECURITY, )  
Defendant )

This matter comes before the Court on the parties' stipulated motion for attorney's fees pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412

The motion is timely as Plaintiff had a 60-day appeal period, plus the 30-day period in §2412(d)(1)(B), from the entry of final judgment on October 22<sup>nd</sup>, 2019, to file a timely EAJA application. *Akopyan v. Barnhart*, 296 F.3d 852 (9<sup>th</sup> Cir. 2002); *Melkonyan v. Sullivan*, 501 U.S. 89, 94-96 (1991); FED. R. App. P. 4(a). Furthermore, upon review of the stipulation and the record, the Court determines that Plaintiff is the prevailing party, the government's position was not substantially justified, and that the itemization of attorney time spent is reasonable. In short, the requirements of § 2412(d)(1)(B) are met.

Having thoroughly considered the parties' briefing and the relevant record, the Court hereby GRANTS the motion and awards Plaintiff \$5,241.6 in attorney's fees and \$400 filing fee,

ORDER FOR EAJA FEES AND COSTS - 1

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1 subject to any offset allowed under the Treasury Offset Program. *See. Astrue v. Ratiff*, 560 U.S.  
2 586, 589 – 590 (2010). If EAJA fees and costs are not subject to any offset, payment of this  
3 award shall be made via check, payable and sent to Attorney David Oliver's address: David  
4 Oliver & Associates, 2608 South 47<sup>th</sup> Street, Suite C, Tacoma, WA 98409.

5 For the foregoing reasons, Plaintiff's stipulated motion for attorney fees and costs is  
6 GRANTED.

7 DATED this 21<sup>st</sup> day of January, 2020.

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Ronald B. Leighton  
United States District Judge

13 Presented by:  
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15 S/David P. OLIVER  
16 David P. Oliver,  
Attorney for Plaintiff

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ORDER FOR EAJA FEES AND COSTS - 2

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